

be paid, during that period of active duty, any amount of the bonus that becomes payable to the member during that period of active duty.

(f) **RELATION TO OTHER ACCESSION BONUS AUTHORITY.**—A person may not receive an affiliation bonus or accession bonus under this section and financial assistance under chapter 1608, 1609, or 1611 of title 10, or under section 302g of this title, for the same period of service.

(g) **REPAYMENT.**—A person who enters into an agreement under this section and receives all or part of the bonus under the agreement, but who does not accept a commission or an appointment as an officer or does not commence to participate or does not satisfactorily participate in the Selected Reserve for the total period of service specified in the agreement, shall be subject to the repayment provisions of section 303a(e) of this title.

(Added Pub. L. 108-375, div. A, title VI, §619(a), Oct. 28, 2004, 118 Stat. 1950; amended Pub. L. 109-163, div. A, title VI, §634(a)-(c)(1), Jan. 6, 2006, 119 Stat. 3300; Pub. L. 109-364, div. A, title X, §1071(c)(4), Oct. 17, 2006, 120 Stat. 2401.)

AMENDMENTS

2006—Pub. L. 109-163, §634(c)(1), substituted “Special pay: affiliation bonus for officers in the Selected Reserve” for “Special pay: bonus for certain initial service of officers in the Selected Reserve”.

Subsec. (a)(2)(B), (C). Pub. L. 109-163, §634(a), redesignated subpar. (C) as (B) and struck out former subpar. (B) which read as follows: “has not previously served in the Selected Reserve of the Ready Reserve; and”.

Subsec. (d). Pub. L. 109-163, §634(b), substituted “\$10,000” for “\$6,000”.

Subsec. (g). Pub. L. 109-364 added subsec. (g) and struck out former subsec. (g) which related to requirement to repay bonus upon failure to commence or complete obligated service, inclusion of repayment requirements in each agreement, and characterization of obligation to repay as a debt owed to the United States.

§ 309. Special pay: enlistment bonus

(a) **BONUS AUTHORIZED; BONUS AMOUNT.**—A person who enlists in an armed force for a period of at least 2 years may be paid a bonus in an amount not to exceed \$40,000. The bonus may be paid in a single lump sum or in periodic installments.

(b) **REPAYMENT.**—A member who does not complete the term of enlistment for which a bonus was paid to the member under this section, or a member who is not technically qualified in the skill for which a bonus was paid to the member under this section, shall be subject to the repayment provisions of section 303a(e) of this title.

(c) **RELATION TO PROHIBITION ON BOUNTIES.**—The enlistment bonus authorized by this section is not a bounty for purposes of section 514(a) of title 10.

(d) **REGULATIONS.**—This section shall be administered under regulations prescribed by the Secretary of Defense for the armed forces under the jurisdiction of the Secretary of Defense and by the Secretary of Homeland Security for the Coast Guard when the Coast Guard is not operating as a service in the Navy.

(e) **DURATION OF AUTHORITY.**—No bonus shall be paid under this section with respect to any enlistment in the armed forces made after December 31, 2007.

(Added Pub. L. 106-398, §1 [[div. A], title VI, §624(a)(1)], Oct. 30, 2000, 114 Stat. 1654, 1654A-152; amended Pub. L. 107-107, div. A, title VI, §614(c), Dec. 28, 2001, 115 Stat. 1136; Pub. L. 107-296, title XVII, §1704(c), Nov. 25, 2002, 116 Stat. 2314; Pub. L. 107-314, div. A, title VI, §614(c), Dec. 2, 2002, 116 Stat. 2568; Pub. L. 108-136, div. A, title VI, §614(c), Nov. 24, 2003, 117 Stat. 1501; Pub. L. 108-375, div. A, title VI, §614(d), Oct. 28, 2004, 118 Stat. 1948; Pub. L. 109-163, div. A, title VI, §§624(d), 635, 687(b)(20), Jan. 6, 2006, 119 Stat. 3295, 3300, 3330; Pub. L. 109-364, div. A, title VI, §614(d), Oct. 17, 2006, 120 Stat. 2248.)

PRIOR PROVISIONS

A prior section 309, Pub. L. 87-649, Sept. 7, 1962, 76 Stat. 468, related to authority of Secretary concerned to provide for additional pay for performance of administrative functions by officers of the National Guard and reserve components, prior to repeal by Pub. L. 96-107, title IV, §404(a)(1), (b), Nov. 9, 1979, 93 Stat. 808, 809, applicable only with respect to administrative functions performed after September 30, 1980.

AMENDMENTS

2006—Subsec. (a). Pub. L. 109-163, §635, substituted “\$40,000” for “\$20,000”.

Subsec. (b). Pub. L. 109-163, §687(b)(20), amended heading and text of subsec. (b) generally, substituting provisions referring to repayment provisions of section 303a(e) for specific provisions relating to refunds required when member is not technically qualified in skill for which bonus was paid or fails to complete term of enlistment for which bonus was paid.

Subsec. (e). Pub. L. 109-364 substituted “December 31, 2007” for “December 31, 2006”.

Pub. L. 109-163, §624(d), substituted “December 31, 2006” for “December 31, 2005”.

2004—Subsec. (e). Pub. L. 108-375 substituted “December 31, 2005” for “December 31, 2004”.

2003—Subsec. (e). Pub. L. 108-136 substituted “December 31, 2004” for “December 31, 2003”.

2002—Subsec. (d). Pub. L. 107-296 substituted “of Homeland Security” for “of Transportation”.

Subsec. (e). Pub. L. 107-314 substituted “December 31, 2003” for “December 31, 2002”.

2001—Subsec. (e). Pub. L. 107-107 substituted “December 31, 2002” for “December 31, 2001”.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-296 effective on the date of transfer of the Coast Guard to the Department of Homeland Security, see section 1704(g) of Pub. L. 107-296, set out as a note under section 101 of Title 10, Armed Forces.

EFFECTIVE DATE

Pub. L. 106-398, §1 [[div. A], title VI, §624(c)(1)], Oct. 30, 2000, 114 Stat. 1654, 1654A-153, provided that: “The amendments made by subsection (a) [enacting this section] shall take effect on October 1, 2000, and apply with respect to enlistments in the Armed Forces made on or after that date.”

SAVINGS PROVISION

For savings provision relating to payment or repayment of any bonus, incentive pay, special pay, or similar pay obligated to be paid before Apr. 1, 2006, under a provision of this section amended by section 687(b) of Pub. L. 109-163, see section 687(f) of Pub. L. 109-163, set out as a note under section 510 of Title 10, Armed Forces.

§ 310. Special pay: duty subject to hostile fire or imminent danger

(a) **ELIGIBILITY AND SPECIAL PAY AMOUNT.**—Under regulations prescribed by the Secretary of